

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KYLE J. KIRCHHOFF,

Defendant.

CR *22-50040*

REDACTED INDICTMENT

Production of Child Pornography
(18 U.S.C. § 2251(a))

Receipt of Child Pornography
(18 U.S.C. § 2252A(a)(2)(A))

Possession of Child Pornography
(18 U.S.C. § 2252A(a)(5)(B))

The Grand Jury charges:

COUNT I

On or about September 26, 2020, in the District of South Dakota and elsewhere, the defendant, Kyle J. Kirchhoff, did employ, use, persuade, induce, entice, and coerce any minor, Jane Doe, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of 18 U.S.C. § 2251(a).

COUNT II

On or about between January 1, 2019, and February 16, 2022, inclusive, in the District of South Dakota and elsewhere, the defendant, Kyle J. Kirchhoff, knowingly received any visual depiction, using any means or facility of interstate and foreign commerce, and the defendant, Kyle J. Kirchhoff, knew the

production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and the defendant, Kyle J. Kirchhoff, knew the visual depiction was of such conduct, all in violation of 18 U.S.C. § 2252A(a)(2)(A).

COUNT III

On or about between January 1, 2019, and February 16, 2022, inclusive, in the District of South Dakota and elsewhere, the defendant, Kyle J. Kirchhoff, did knowingly possess material that contained an image of child pornography that had been mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of 18 U.S.C. § 2252A(a)(5)(B).

FORFEITURE ALLEGATION

1. The allegations contained in this indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to 18 U.S.C. § 2253.

2. If convicted of an offense set forth above, Kyle J. Kirchhoff, the defendant herein, shall forfeit to the United States any and all materials or property used or intended to be used in the distribution, receipt, or possession of child pornography. Such property includes, but is not limited to, the following specific items:

(1) One Samsung Galaxy S20 Ultra 5G cellular phone, black in color, IMEI 354084111271819;

(2) One Verizon SIM card, serial number 89149000005437958804;

(3) One grey Samsung SIM card tray, Marked For ID with "BTE 16 Feb 22."

A TRUE BILL:

NAME REDACTED

Foreperson

DENNIS R. HOLMES
United States Attorney

By: _____

